



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**URGENT LEGAL MATTER--PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL--RETURN RECEIPT REQUESTED**

Mr. Richard G. Hanlon  
Senior Manager – Remediation  
CNA Holdings, Inc.  
86 Morris Avenue  
Summit, NJ 07901

Re: Berry's Creek Study Area, Bergen County, New Jersey Request to Perform RI/FS  
Pursuant to the Comprehensive Environmental Response, Compensation, and Liability  
Act, 42 U.S.C. Section 9601 et seq.

Dear Mr. Hanlon:

As you know, EPA has documented the release and threat of release of hazardous substances into the environment at the Berry's Creek Study Area portion of the Ventron/Velsicol Superfund Site, Bergen County, New Jersey (the "Site"). In response to the release and threat of release of hazardous substances at the Site, EPA has spent public funds and anticipates spending additional public funds pursuant to CERCLA.

EPA has previously noticed your company regarding its status as a potentially responsible party ("PRP") under Section 107(a) of CERCLA, 42 U.S.C. §9607(a). By this letter, EPA reiterates that it considers your company to be a PRP with respect to the Site.

**REQUEST TO PERFORM REMEDIAL INVESTIGATION/FEASIBILITY STUDY**  
**("RI/FS")**

By this letter, EPA invites your company to enter into a settlement with EPA which provides for the PRPs and other parties (hereinafter referred to collectively as "the Parties") to conduct the RI/FS required at the Site. Any agreement by the Parties to perform the RI/FS will need to be memorialized in an administrative order on consent ("AOC") issued by EPA under CERCLA. A draft of the AOC (with the appended Statement of Work (SOW)) is enclosed. It contains an explanation of the work that will be required to implement the RI/FS. Further details of the study were provided in the Framework Document (which was provided on CD-ROM with the Notice Letter), and at an informational meeting that EPA held on April 3, 2006. In addition, as explained below, EPA will be available to meet with you to discuss questions concerning the RI/FS.

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By **January 19, 2007** or within thirty (30) days from the date of your receipt of this letter, whichever is later, please submit a letter indicating your company's willingness to conduct the RI/FS. Your letter should include the following elements:

1. A statement of your company's willingness to conduct the RI/FS;
2. Your company's comments, if any, on EPA's draft AOC and SOW; and
3. The name, address, phone number and e-mail address of the individual who will represent you in the negotiations.

If your company has not already submitted a good faith offer in response to EPA's March 9, 2006 Notice Letter, then your letter should also include:

4. A demonstration of your company's technical capability to carry out the RI/FS including the identification of the firm(s) that may actually conduct the work or a description of the process that will be undertaken to select the firm(s);
5. A demonstration of your company's capability to finance the RI/FS; and
6. A statement of the willingness by your company to reimburse EPA for costs incurred in overseeing your implementation of the RI/FS.

Please be advised that pursuant to Section 104(a) of CERCLA, 42 U.S.C. §9604(a), EPA will only allow the Parties to perform the RI/FS if it determines that they are qualified to perform the action and can do so properly and promptly.

If EPA does not receive a timely response, it will assume that the Parties do not wish to enter into a settlement for, or participate in, the RI/FS. In such an event, EPA will take appropriate action at the Site, which could include issuance of a Unilateral Administrative Order to your company under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), requiring that it perform the RI/FS, or EPA may perform the RI/FS and pursue a cost recovery claim against your company pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607.

#### INFORMATION TO ASSIST THE PARTIES

EPA would like to encourage good faith negotiations between the Parties and EPA, as well as among the Parties. To assist the Parties in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing a list of names and addresses of all Parties who are being notified. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any Party for the release or threat of a release of hazardous substances at the Site.

STEERING COMMITTEE

EPA understands that the Parties have elected to have John Hanson, Esq. serve as their representative in negotiations with EPA. EPA looks forward to working with Mr. Hanson on this matter. A collective response to this letter through Mr. Hanson instead of individual responses is acceptable to EPA.

Responses to the Request contained in this letter should be sent to:

Douglas Tomchuk  
USEPA Region 2  
290 Broadway, 19<sup>th</sup> Floor  
New York, NY 10007-1866

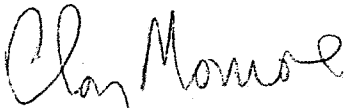
With a copy to:

Clay Monroe  
Assistant Regional Counsel  
USEPA Region 2  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866

Due to the seriousness of these matters, EPA urges that immediate attention and prompt responses be given to this letter.

If you have any questions regarding the Request to Perform the RI/FS, or would like to discuss this matter with EPA, please call or have your attorney call me at (212) 637-3142.

Sincerely,

A handwritten signature in cursive script that reads "Clay Monroe".

Clay Monroe  
Assistant Regional Counsel

Enclosures